

EXHIBIT E

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
3

4 OLYMPUS SECURITIES, LLC,

5 Plaintiff,

6 vs.

Case No. 16-cv-1931 (VEC)

7 UNITED FIBER & DATA, LLC,

8 Defendant.
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11
12 DEPOSITION OF BRIAN A. SMITH

13 Mill Valley, California

14 Tuesday, December 13, 2016
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21 Reported by:

22 LORRIE L. MARCHANT, CSR No. 10523

RMR, CRR, CCRR, CRC

23
24 Job No. 116550
25

1 a shocker, a complete surprise.

2 Q. Was it cause for concern for you?

3 A. It was -- no. It was not.

4 Q. Did you think it could have an effect on
5 UFD's ability to raise money from investors?

6 A. Yes.

7 Q. What did you think that effect could be?

8 A. Negative.

9 Q. And you raised that concern with others at
10 UFD?

11 A. I don't recall, Josh, doing that. I may
12 have, but I do not recall doing it.

13 Q. Do you recall any questions from existing
14 UFD investors about Mr. Hynes's conviction after the
15 article discussing it was published?

16 A. No.

17 Q. Do you recall any questions from potential
18 UFD investors about Mr. Hynes's conviction?

19 A. Yes.

20 Q. What do you recall about those questions?

21 A. I don't recall any details. I just know it
22 came into question.

23 Q. Do you remember which potential investors
24 raised questions about Mr. Hynes's conviction?

25 A. I don't.